

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
XXXX 2023**

REFERENCE: HW/FUL/22/00547

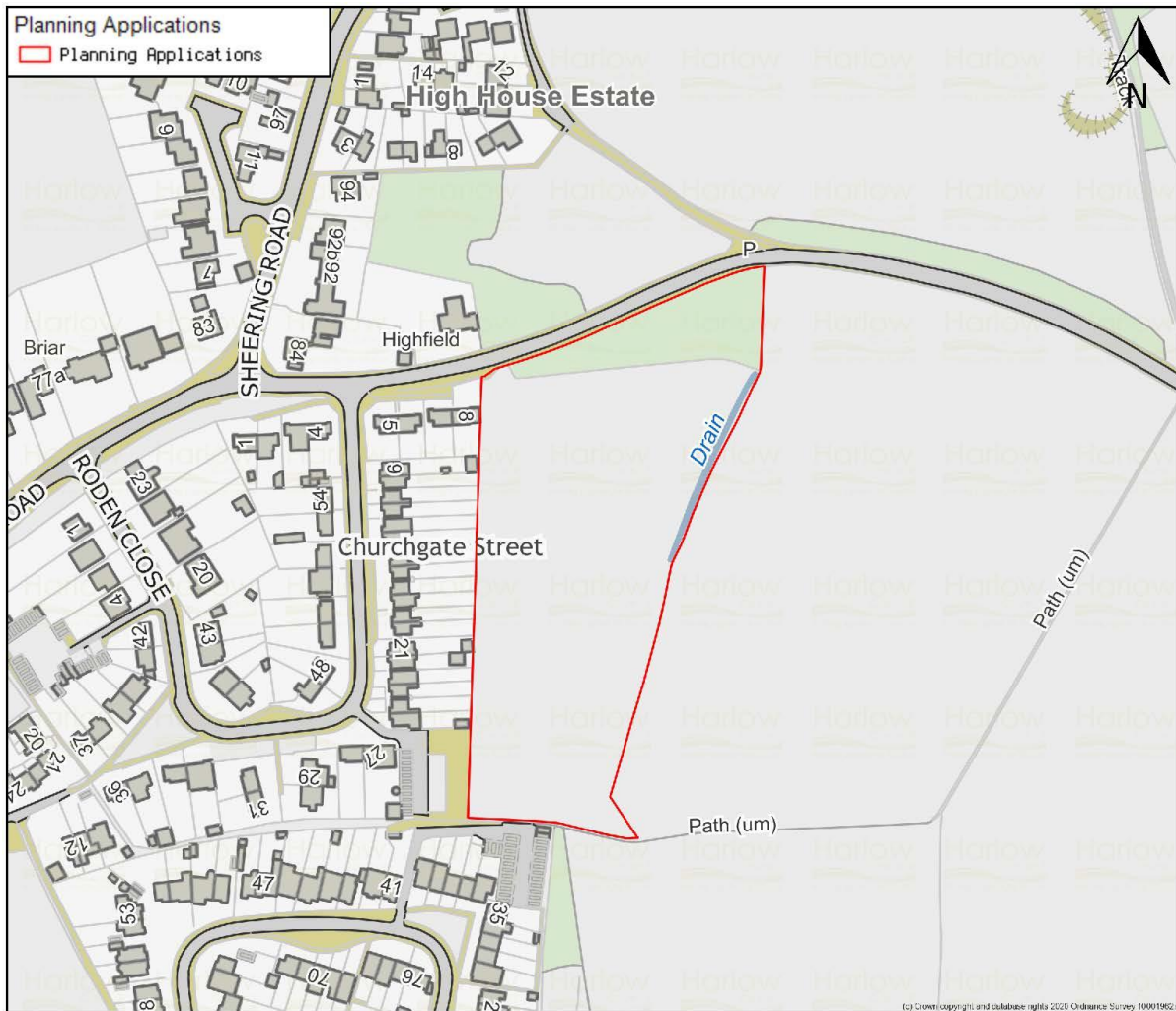
OFFICER: Elizabeth Beighton

APPLICANT: Anderson Design and Build Limited

**LOCATION: Land East of Windmill Fields
Moor Hall Road
Harlow
CM**

PROPOSAL: Erection of 38 dwellings with associated works including access, parking and cycle infrastructure, landscaping, public art and public open spaces

LOCATION PLAN



Reason for Committee

The scheme is a major proposal submitted by Harlow Council, with more than two objections, which is considered to be of sufficient public interest to be considered by the Planning Committee.

The Case for Development

The application seeks full planning permission for the erection of 38 dwellings with associated works including access, parking and cycle infrastructure, landscaping, public art and public open spaces at land to the south of Moor Hall Road.

The proposals seek to bring forward a small and physically self-contained part of the allocation at Land East of Harlow, which has been allocated since the Local Plan was adopted in 2020 but has not been delivered to date.

The scheme will provide market and affordable dwellings which will assist Harlow Council with the much needed delivery of affordable housing across the area. It will include ten homes for affordable rent, two for shared ownership and three First Homes; provision of informal and formal open space including children's play space; pedestrian / cycle connections to the south via Elmridge; provision of visitor car parking; and enhanced landscaping which builds on existing key features.

The scheme is compliant with national and local planning requirements. Dwelling sizes meet the Nationally Described Space Standards and the requirements of Approved Document Part M(4)2 as a minimum, and are at least dual aspect to allow for good daylight and natural ventilation.

The scheme will also provide a substantial financial contribution towards the delivery of infrastructure within the wider masterplan area.

The benefits of the scheme outweigh any harm and the application is therefore recommended for approval.

Application Site and Surroundings

The site is a rectangular parcel of open grassland measuring approximately 1.795 ha in area, situated south of Moor Hall Road and approximately three miles northeast of Harlow town centre. The site is predominantly flat and featureless, though bounded to the north, east, and south by dense treelines and hedgerow.

The site abuts the rear gardens of existing dwellinghouses to the west, a private road off Elmridge to the southwest, agricultural fields to the southeast and east, and across Moor Hall Road, further grassland to the north.

The site has no previous planning history and retains a current use for agricultural purposes.

An existing and formal access to the site is positioned to the northwest off Moor Hall Road, via a gate, and at present this is used intermittently by agricultural vehicles.

A public footpath (no. 17) runs along the southern boundary of the site, providing access to residential areas of east Harlow, linking to open spaces, local services, and educational facilities including Churchgate CoE Primary School to the southwest.

A Grade II Listed Building, High House, is located a short distance to the west of the site, though the site is neither within nor adjacent to a Conservation Area. There are two other listed buildings within close proximity of the site; Tudor Cottage and Pump 20 Metres South of Mayfield Farmhouse. Within the dense treeline along the site's northern boundary is a cluster of Protected Trees.

Environment Agency Flood Maps shows the site to be within Flood Zone 1, representing the lowest level of flood risk.

The site forms part of a wider allocation for a new Garden Community under Policy HS3 of Harlow Council's Local Plan (adopted December 2020).

The site benefits from excellent road connectivity to the M11 motorway to the east, which runs from London to Cambridge, the A414 to the west – a major road from Hertford to Chelmsford – and the A1025 to the north. A bus stop located 70 metres west of the site provides access to Harlow Town Centre. Harlow is also served by two railway stations – Harlow Town and Harlow Mill – both of which provide links to London Liverpool Street and Cambridge Stations.

The site lies within allocation HS3 of the Harlow Local Plan, a strategic site to the east of Harlow for 2,600 dwellings and associated community infrastructure. The wider site forms part of one of the four new Harlow and Gilston Garden Communities (HGGT), and provides the opportunity to deliver regeneration objectives whilst also addressing housing need. This strategic site is fundamental to the delivery of the Local Plan and for delivering the vision for Harlow.

Details of the Proposal

The application seeks permission for 38 dwellings with associated works including access, parking and cycle infrastructure, landscaping, public art and public open spaces. The proposed development will provide market and affordable homes to address an identified need. The proposed design is landscape-led and builds on and enhances existing landscape features. The proposed layout responds to existing landscape infrastructure and features by locating built form away from the existing tree belt to the north of the site. The development seeks to provide high quality living in a mixture of environments offering a variety of homes and spaces that will suit all stages of family life, whilst also responding to their unique setting.

The scheme will be a high quality, sustainable development which is resilient to climate change, incorporates alternative technologies and promotes sustainable travel.

The scheme proposes the following mix of two-bedroom, three bedroom and four bedroom homes. The proposed housing mix aligns with the Harlow Strategic Housing Market Assessment (SHMA) and 31.6% of all homes will be Affordable, in excess of the Local Plan requirement of 30%.

The proposed development will provide the following:

- 38 dwellings
- 21 dwellings per hectare
- 26 market sale (68.4%)
- 10% of market sale homes are AD M4(3) compliant
- 15% affordable homes are AD M4(3) compliant
- All other homes are AD M4(2) compliant
- 71 parking spaces
- 43 bicycle parking spaces
- Energy efficient homes
- EV charging points
- Integrated SUDS design providing biodiversity features landscape-led design
- Enhanced landscaping and biodiversity

- Wide range of house types and sizes
- 31.6% (12 dwellings) affordable housing
- provision delivered on site, including three First Homes.
- Residential parking in line with Harlow Council adopted standards.
- Cycle parking for residents and visitors, in line with Harlow Council adopted standards.
- Up to 4715sqm formal and informal usable open space
- Cycle and pedestrian connections to Windmill Fields, Moor Hall Road, Elmbridge as well as public rights of way FP17 and FP18.
- Future connection points to neighbouring site .

RELEVANT PLANNING HISTORY:

There is no planning history associated with the site.

CONSULTATIONS

Internal and external Consultees

The comments below are a summary of the consultation responses, with the full transcripts being available on the public access.

There have been two consultations on the application due to the receipt of revised plans. This section covers all responses received on both consultations, however it should be noted that where received, the September 2023 responses supersede those from March 2023.

September 2023 consultation responses (where received)

Essex County Council – Drainage

Do not wish to make any further comments further to their previous letter dated 13 March 2023.

Place Services (Heritage)

Do not wish to make any further comments further to their previous letter dated 27 March 2023.

Place Services (Design)

The layout is considered to positively respond to a number of site constraints with the retention of the existing trees and landscaping on the northern boundary, and the backing on to the properties to the west of the site. The creation of public squares and central landscaped features strongly contribute to the semi-rural character of the site.

Based upon the submitted information, the proposals are considered to be acceptable from an urban design perspective and any previous concerns have been appropriately justified or suggest amendments incorporated into the revised designs. The subtle changes to the arrival experience, southern connection point and eastern boundary will help to improve the layout, whilst the addition of alternative door colours helps to create more diversity to the built character.

As a result, the design team are happy to support the scheme from an urban design viewpoint and believe there is potential to create a high-quality, well-integrated development,

with a number of commendable aspects to the scheme including the contemporary design approach.

Designing Out Crime Officer For E Forest & Harlow

The DAS document shows the applicant is using the principles of Secure By Design, this is very positive however, it is strongly advised the applicant makes contact with the local DOCO to discuss the principles in more depth and the required security standards to ensure the development is safe and secure for future users.

Essex County Council (Fire and Rescue)

Comments have been provided and noted that further consideration will be provided at the Building Regulations stage.

Environment Agency

The site is situated in a vulnerable groundwater area within Source Protection Zone 3 and secondary aquifer, with a historic landfill (Moor Hall Road) next to the site. These proposals need to be dealt with in a way which protects the underlying groundwater. Advice is therefore provided.

NHS ICB

Financial contribution sought for £49,096. This arises from the anticipated 91.2 new registrations (assumed 2.4 occupants per dwelling) and a need for additional space as a result. Subject to the required contribution no objection to the application is raised.

HGGT

One of the concerns, raised in the previous HGGT response, was that, as per policy requirements, development on this site should not come forward in advance of a Strategic Master Plan for the entire East of Harlow site. This is to ensure that the HGGT Vision, for landscape led development and which meets sustainable objectives in relation to healthy places, sustainable transport and design quality is achieved.

Those strategic objectives for HGGT remain important and therefore it remains a concern that the proposals are being put forward in advance of a Strategic Master Plan for the entire strategic site. In isolation, whilst proposals for a small element of a larger site may not significantly undermine the overall objectives for the site, they may not positively contribute toward them.

Whilst the Master Plan Guidance SPD is in draft form, this emerging policy should be assigned appropriate weight in the consideration of this planning application. In that respect, it is noted that three of the four school location options, set out in the draft SPD, identify the land which comprises this application site as part of wider sites on which schools could be delivered and due consideration of such should be had.

It is noted that the applicant's attention has been drawn to the relationship of the application site to the wider strategic site and amendments to the proposals have been made which seek to address the implications of that. In that respect the proposals now include the provision of a foot/cycle link across the northern part of the site, which can link with land to the east (into the remainder of East of Harlow strategic site). It is also noted that a widened connection is to be created to the existing public footpath to the south of the site. In respect

of these matters, it is anticipated that if Harlow Council as the decision maker in this case were to be supportive of the proposals, the necessary safeguards (through conditions and s106 Agreement requirements) would need to be put in place to secure provision and to ensure that full connection can be created in the future at and beyond the boundary of the site.

With regard to the footpath connection to the south, it is often the case that new development layouts 'turn their backs' on footpath connections, resulting in those connections becoming narrow, unobserved locations between the backs of houses and therefore unattractive for use. Part of the design solution required to support this outcome is the creation of good quality, attractive, wide and safe pedestrian and cycle links.

In relation to design and layout matters, if the proposals are to come forward in advance of a Strategic Master Plan, they should demonstrate the very best of Garden Town design principles, highest quality of design and ideally should exceed policy requirements. This is because any development on this site is highly likely to set a benchmark to which other developers of the wider East of Harlow strategic site will point to in the future.

It is noted that this application site comprises a small part of the overall East of Harlow strategic site. However, it would be expected that Harlow Council will seek to maximise pro-rata funding commitments in all respect of all relevant infrastructure requirements for delivery of the wider Garden Town. Not doing so will increase the burden that is required to be met by the remainder of this strategic site and other sites subsequently coming forward.

There remains a concern that these proposals are being put forward in advance of the consideration of wider Master Planning for the strategic site of which they form part. It is noted that the revised application does include some amendments that seek to acknowledge and address this. However, whilst potentially not undermining delivery of the wider site, development of small parcels of it in isolation may not support the delivery of overall strategic objectives.

March 2023 consultation responses (where received)

Design out Crime Officer

More clarification was sought regarding boundary treatments, security of the dwellings, garages and any cycle provision in place for the residents.

Thames Water

Advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework.

ECC Archaeology

Recommend a condition for archaeological assessment which has been included.

Environment Agency

No objection is raised to the application.

ECC Fire and Rescue

Comments made with more observations to be made at the Building Regulations stage.

Arboricultural Officer

The proposals most notable impact is to the roadside tree's amenity and value as a hedgerow, but the proposal does provide an opportunity to plant trees on land which is currently underutilised and could provide good amenity and ecosystem services given time.

The removal of small trees and scrub on the site is of no real detriment in regard to the impacts to trees, and the development itself is shown to widely avoid the retained trees whether on or off site. Therefore, impacts to trees from development are considered to be low.

The landscape proposal provided for detailed soft landscaping shows that tree planting will be significant, and such a proposal should be conditioned to ensure that such plans go ahead. Therefore, it is felt that the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process.

However, it will be necessary for the issued decision notice to ensure that the proposed development will be supported by a fit-for-purpose Arboricultural Method Statement (AMS) so that the proposals do not impact trees, due to improper usage of land near trees, and that methods of working around trees are shown and can be examined by this council before work commences.

A condition is recommended to secure an Arboricultural Method Statement to ensure that development can proceed without undue harm to the trees.

ECC LLFA

Having reviewed the FRA there is no objection to the application subject to the imposition of appropriate conditions, which have been included.

HDS Cleansing and Environment Response

Request a sweep path analysis to demonstrate that a refuse collection vehicle can successfully navigate the development.

ECC Place Services (Heritage)

The application site is located some distance from the designated heritage assets and would be located to the east of an existing, modern housing development. The new dwellings would be predominantly two-storeys with some two and half storey dwellings and would retain an existing tree belt to the north of the site. Given the distance and intervening development, the proposal would not adversely impact the setting of the designated heritage assets.

Epping Forest District Council

Consider that development on this site located within the East of Harlow Strategic Masterplan Area and one of the Harlow & Gilston Garden Town (HGGT) Garden Communities, needs to be accompanied by a Strategic Masterplan which demonstrates that the development requirements set out in policy have been accommodated and which has been endorsed by Harlow Council and Epping Forest District Council (EFDC). An endorsed Strategic Masterplan will be taken into account as an important material consideration in the

determination of any planning applications. We note that a Strategic Masterplan has not been provided as part of this application or endorsed previously for this site.

Consider that it is therefore premature to bring forward development proposals on this site without a comprehensive Strategic Masterplan to guide and inform the planning application. This is not the joined-up, collaborative, cohesive and proactive approach which is sought by both Councils through their Local Plan policies for comprehensive masterplanning.

Therefore, strongly object to this planning application, due to the lack of comprehensive Strategic Masterplan to support the development proposals as part of the East of Harlow Garden Community, as per policy requirements of both District Councils. Cannot support the delivery of sites in isolation that do not consider the relationship with other development in the wider masterplan area.

ECC Infrastructure

Seek contributions for the following:

- Early Years and Childcare - £59,057 index linked to Q1- 2020, is sought to mitigate its impact on local early years & childcare provision. This equates to £17,268 per place.
- Primary Education - £196,855 index linked to Q1-2020, is sought to mitigate its impact on local primary school provision. This equates to £17,268 per place.
- Secondary Education - £180,690 index linked to Q1-2020 is sought to mitigate its impact on local secondary school provision. This equates to £20,508 per place.
- Libraries - £2956.40 is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit, index linked to April 2020.
- Monitoring Fee - £550 per obligation

HGGT

Harlow and Gilston Garden Town cannot support this proposal, as it would set a harmful precedent for piecemeal planning and development which is not aligned with the holistic Garden Town Vision and ambitions, including the requirement to submit a masterplan.

Neighbours and Additional Publicity

Number of Letters Sent: 85

Total Number of Representations Received: 5

Date Site Notice Expired: 23 March 2023

Date Press Notice Expired: 16 March 2023

Summary of Representations Received

The full comments can be found on the public access system.

Material planning matters:

- Development will increase traffic and the road infrastructure is not suitable, with specific reference to the Gildea Way roundabout.
- Existing flooding in the local area which causes issues and will not be improved.
- Loss of wildlife
- Will be overlooked by new houses resulting in loss of privacy

- Including yellow lines on Moor Hall Road is not practical as local residents do not have any alternative parking options.
- Development does not provide adequate parking.
- Design of the new homes does not fit with the character and appearance of the Churchgate area. In particular, the high-pitched roofs are overbearing and unnecessary.
- Development will have an environmental impact.

Non material planning matters:

- Do not want the houses.

PLANNING POLICY:

PLANNING STANDARDS

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF). The relevant strands are considered further in the report.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the Harlow District Local Plan (HDLP).

The NPPF (2019) is a material planning consideration and also states in paragraph 47 that:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".

Paragraph 38 of the NPPF further states that:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

This is echoed in policy SD1 of the HDLP which advises that development that is in accordance with the Local Plan should be supported unless material considerations indicate otherwise, any adverse impact *significantly* (my emphasis) outweigh the benefits or specific national policies indicate that development should be restricted.

For the purposes of this application, the Development Plan consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP). Policies of most relevance to the proposal are:

SD1 – Presumption in Favour of Sustainable Development
IN2 – Impact of Development on the Highways Network including Access and Servicing
HS1 – Housing Delivery
HS3 – Strategic Housing Site East of Harlow
PL1 - Design Principles for Development
PL2 – Amenity Principles for Development
PL8 – Green Infrastructure and Landscaping
PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
PL12 – Heritage Assets and their Settings
H1 – Housing Allocations
H2 – Residential Development
H6 – Housing Mix
H8 – Affordable Housing
IN1 – Development and Sustainable Modes of Travel
IN2 – Impact of Development on the Highways Network including Access and Servicing
IN3 – Parking Standards
IN6 – Planning Obligations

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
The Harlow Design Guide Addendum SPD (2021)
ECC Development Management Policies (2020 – living document with regular updates)
Harlow Town Centre Masterplan (2022)

HGGT Guidance

The HGGT Vision elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

Planning Considerations

The key issues associated with this development are as follows:

- Principal of Development;
- Layout, Design and Appearance;
- Mix of Housing;
- Highways and Parking;
- Drainage;
- Residential Amenity;
- Waste Management;
- Sustainability; and
- Infrastructure.

Principal of Development

The site forms the northwest portion of a larger residential allocation for residential development contained in Policy HS3 of the HLP. This policy seeks the allocation of 2600 dwellings on two sites to the East of Harlow and represents 0.014% of the total allocation. The proposed development at a density of 21.6dph is considered appropriate in this instance.

The proposals seek to bring forward a small and physically self-contained part of this allocation, which has been allocated since 2020, but has not been delivered to date. The delivery of 38 dwellings in a location which has been dormant since allocation is a strong material consideration and assists the council in delivering its housing requirement of at least 9200 dwellings during the plan period, as laid out in policy HS1.

The partner authorities of Harlow and Gilston Garden Town (HGGT) consulted on the East of Harlow Masterplanning Guidance SPD, which ended on 16 October 2023. The aim of the document is to provide guidance for a developer producing a masterplan for the site, which is located to the east of Harlow and is allocated in the Harlow Local Plan and Epping Forest Local Plan for a combined total of 3,350 new homes. The draft document contains 12 chapters with detailed guidance on topics such as green infrastructure and landscape, connectivity and sustainable movement, layout of schools and local centres and vehicle access. It is intended that the SPD will be approved by the relevant authorities in 2024.

Advice has been sought regarding the lack of masterplan and therefore compliance of the proposal with policies HS3 and HGT1, which concluded that it would be open to the decision-maker to reach the conclusion there was no breach. Furthermore, even if such a breach was identified the decision-maker would need to go on and ask themselves whether the proposals complied with the development plan taken as a whole. This latter question is really the fundamentally important one. It is perfectly possible to reach a conclusion that the proposals are in breach of HS3 but in compliance with the development plan read as a whole. It is considered that the proposal is therefore policy compliant and acceptable and can be delivered in advance of the rest of the allocation coming forward and is not premature when having regard to paragraphs 49 and 50 of the NPPF.

The layout and design appropriately shows connectivity to the remainder of the allocation and the Design and Access Statement demonstrates that the scheme has had due regard to its surroundings and the wider allocation.

The principle of development is therefore considered to be acceptable.

Design, Layout and Appearance;

The NPPF and Policy PL1 of the Local Plan seek to ensure good quality design is achieved in respect of all developments. Indeed, the NPPF clearly states that applications constituting poor design should be refused.

The concept masterplan has been developed with regard to the ten characteristics identified in the National Design Guide.

The proposed layout responds to the neighbouring properties and gardens on Windmill Fields, and retains key landscape features around the site's perimeter. It directly responds to the existing landscape and built environment, with a variety of homes arranged around a series of interlinked green spaces.

At the north of the site the development is screened from Moor Hall Road by the existing tree belt. To the west rear gardens of two-storey houses provide a back-to-back arrangement with the existing houses at Windmill Fields.

Terraced housing along the eastern boundary is broken up by future connection point to the adjacent masterplan site to the east, from which it is screened by existing trees.

The surrounding architecture does not provide a strong coherent identity. However, the existing tree belts to the north and east enclose the site, providing the opportunity to create a well-designed high-quality development with its own unique character and positive identity, which contributes to health, wellbeing and community inclusion.

The built form responds to the existing built environment, with a compact layout: two to two and a half storey houses reflect the scale of surrounding development.

Buildings overlook key routes and landscaped spaces to provide natural surveillance and active frontage.

Houses directly opposite the access from Moor Hall Road form focal points / markers to the development. Additional marker buildings throughout the development express key routes and spaces, enabling wayfinding and creating a sense of place.

The main access is via Moor Hall Road, at the northern end of the site. The development is arranged around a central spine running north to south through the development. A new 2m footway will be provided along the southern side of Moor Hall Road which will provide a connection from the north of the site to the existing pedestrian infrastructure within Harlow.

A secondary pedestrian / cycle access point is located along the southern site boundary, via Elmridge.

Secondary routes provide access to houses. These routes have been located and designed to provide future access to the proposed masterplan to the east (allocated site HS3 in the Harlow Local Development Plan).

This network of routes ensures a well-connected development with links to walking, cycling and public transport routes, promoting active travel. These routes incorporate green infrastructure, including street trees, to reduce the impact of car parking and contribute to biodiversity.

Existing trees along the northern and eastern boundaries are retained, along with a significant tree at the southern end of the site. A network of high-quality green space includes natural features such as street trees, and SUDs ponds.

The development provides residential, and landscape/amenity use only, with an integrated, tenure-neutral, mix of housing types and tenures with well-designed homes and buildings. The proposed homes are designed in line with local and national policy, including the Nationally Described Space Standards.

Buildings have been designed to minimise use of natural resources with energy efficient fabric and robust detailing to ensure healthy buildings with a long lifespan which will engender a sense of ownership and encourage users to care for them.

As part of a wayfinding strategy a series of marker buildings and landscape features have been introduced in key locations to assist movement and legibility. These close vistas, turn street corners and celebrate well managed landscaped spaces.

Marker buildings are defined by contrasting materials and features such as projecting or corner windows and balconies, where appropriate.

There is proposed a maximum of 4252m² of landscaped public usable open space will be provided. A further 4200m² of private amenity space will be provided.

The Council's design officer has reviewed the plans in detail and concludes that from an urban design perspective the proposals are acceptable and can be supported.

Mix of Housing:

Policy H6 of the HLP seeks to ensure there is a mix of housing across the site. The application proposes the following:

	2-bed	3-bed	4-bed	5-bed	Total
Market	8	6	5	3	22
Affordable	6	8	2	0	16
Total	14 (37%)	14 (37%)	7 (18%)	3 (8%)	38

The table above clearly shows the predominance of smaller units across the scheme to create a balanced and sustainable community to meet the needs of different groups within Harlow and provide a choice of accommodation as required in national planning policy and guidance. The proposed mix on this site accords with evidence contained within the Council's Strategic Housing Market Assessment (SHMA) which seeks most dwellings to be two or three bedroom.

10% of market sale dwellings will be designed to meet the requirements of M(4)3-a (wheelchair adaptable dwellings) and 15% of affordable dwellings will be designed to meet the requirements of M(4)3-b (wheelchair accessible dwellings).

38 homes are provided as houses, 31.6% (12) of which are Affordable, in accordance with the Harlow Adopted Local Plan requirements of 30%, as set out in policy H8. Of these, three homes (25%) will be provided as First Homes, two (16.6%) for Shared Ownership and seven (58.3%) for affordable rent.

Homes of different tenures are pepper-potted throughout the site and are designed to be tenureblind.

All homes in the development are designed, as a minimum, to the requirements of Approved Document Part M(4)2.

Level access will be provided to all communal entrances and to the entrances of all houses, as well as to rear gardens. All entrances are designed in line with Approved Document Part M(4)2. There will be an entrance canopy or recess providing shelter to each entrance.

Highways and Parking:

Vehicular access off Moor Hall Road to the north of the site.

Pedestrian access to the development two routes, one of which is for use of pedestrians and cyclists only. As well as the main access route from Moor Hall Road via a new 2m footway along the southern side of Moor Hall Road into the site, a 3m wide cycle/pedestrian link is provided from the Elmbridge along the southern boundary.

3.0m wide pedestrian/cycle access to future development.
Potential 3.5m cycle route linked to LCWIP

Car parking has been provided in line with ECC's Parking Standards Design and Good Practice (2009), which remains to be Harlow's adopted parking guidance.

Residential parking has been located on-plot in order to avoid the development feeling car-dominated. Visitor parking is provided in landscaped, overlooked spaces.

In line with local planning guidance 62 allocated parking spaces can be accommodated - two spaces per three bedroom dwelling and above. All the allocated parking spaces are provided on plot as opposed to parking courts which is preferable from a design solution. An additional six visitor spaces are provided on street.

All allocated and visitor spaces will be provided with Active EV charging points.

Car parking has been reduced where possible to promote sustainable movement of travel. However, regard has been made to the Adopted Essex Car Parking Standards and ensuring that adequate parking exists on- plot.

There are a total of 71 car parking spaces, including 62 allocated car parking spaces and 9 unallocated visitor spaces

Two allocated car parking spaces will be provided for every three-bedroom dwellings and above. All allocated and visitor spaces will be provided with Active EV charging points.

Cycle parking will be provided at a minimum of one cycle space per dwelling within a secure garage. There will be provision for five visitor cycle parking spaces as well as five unallocated powered two-wheeler spaces.

Drainage and Flooding:

The site sits within Flood Risk Zone 1, meaning the site has a probability of less than 1 in a 1000 risk of flooding from a river or sea.

SUDS strategies have been favoured to facilitate the appropriate surface water drainage within the development.

The SUDs team at the County Council raise no objection to the application.

Residential Amenity:

Concern has been raised from established residents that there will be a loss of amenity resulting from the development of the proposed houses. The closest properties are those located in Windmill Fields due west of the application site. Policy PL2 of the Local Plan relates to preserving and enhancing residential amenity with the policy looking to avoid loss of amenity so as to promote sustainable growth and continued regeneration.

The Essex Design Guide deals with this and states:

Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.

The proposed layout plan demonstrates that SPG requirements in this matter can be met. On general the separation distances are around 32-34m which significantly exceeds this policy requirement. Therefore, it cannot be argued that any loss of amenity is so significant as to warrant refusal of planning permission.

It is accepted that there will be a change in outlook from those properties in Windmill Fields in an easterly direction from their rear windows, however the loss of a private view is not a material planning consideration. Furthermore, the acceptability of that relationship would have been considered by the Council, and the Planning Inspector when the site was allocated and the plan made sound.

Sustainability:

The proposed development achieves Net Zero energy status through design standards that go beyond the expectations of policy and building regulations. This is considered to be a benefit of the scheme.

Waste Management

In line with the requirements of the Essex Design Guide, bins are located within garages and put out on driveways on collection day for the majority of dwellings.

Dwellings situated along the northern cul-de-sac are provided with a communal collection point, as refuse vehicles are not able to turn along this stretch of road.

Refuse vehicles will access the site via the shared surface. A single turning head is provided to the south of the site. Refuse vehicles will utilise the internal loop arrangements to manoeuvre. This is considered to be acceptable.

Infrastructure.

In the Planning Statement Addendum (Sept 23), the applicant gives a commitment to a prorata contribution towards the delivery of infrastructure on the site, in full accordance with the IDP. This reference to an IDP is understood to relate to the IDP prepared by Harlow Council in support of the Harlow Local Development Plan.

The HGGT partners have also jointly prepared a wider IDP, outlining the delivery of infrastructure considered necessary across the Garden Town. The HGGT IDP was first published in April 2019. It has also been subject to recent updating, with the revised HGGT IDP being endorsed by the HGGT Board, but remaining unpublished at this time.

In the Planning Statement Addendum, the applicant refers specifically to funding contributions with regard to education, libraries and for the enhancement of walking and cycling provision between the site and Harlow town centre.

In addition to those elements, the HGGT IDP identifies the requirement for contributions toward a range of other infrastructure, including primary healthcare facilities, emergency services facilities and a range of community facilities. The HGGT partners have made a commitment, through a Memorandum of Understanding, to use reasonable endeavours to secure financial contributions toward the Rolling Infrastructure Fund, to be set up to enable reuse of the grant funding provided by central government through the Housing Investment Grant (HIG). The HIG funding agreement has been entered into by Hertfordshire County Council, as an HGGT partner, and secured grant funding to support delivery of the key elements of the Stort Valley transport infrastructure.

In respect of the above matters, it is noted that this application site comprises a small part of the overall East of Harlow strategic site. However, it would be expected that Harlow Council will seek to maximise pro-rata funding commitments in all respect of all relevant infrastructure requirements for delivery of the wider Garden Town. Not doing so will increase the burden that is required to be met by the remainder of this strategic site and other sites subsequently coming forward.

The consultation responses highlight the following S106 requirements which are considered acceptable and compliant with the relevant regulations:

- Early Years and Childcare - £59,057
- Primary Education - £196,855
- Secondary Education - £180,690
- Libraries - £2956.40
- NHS ICB - £49,096
- Monitoring Fee - £550 per obligation

Equalities

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

“(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;

- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.” Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSIONS

The proposal is considered to be policy compliant and will secure the early delivery of dwellings forming part of a wider residential allocation, including the delivery of much needed high quality affordable housing. The design and layout is well considered and responds positively to the surrounding residential area whilst also having due regards to the wider allocation and how it can integrate into.

There are no technical objections, and the imposition of appropriate conditions can mitigate against the impact of the development.

The application is therefore recommended for approval.

That Committee resolve to **GRANT PLANNING PERMISSION** subject to a S106 Agreement and the following conditions:

It is noted that the conditions attached to the outline planning permission are automatically carried across to reserved matters applications (informative included to this effect).

1. The development hereby permitted shall be begun before the expiration of the three years from the date of this permission.

Reason: In order to comply with Section 91(1) of the Town and County Planning Act 1998 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place on site between the hours of 08:00 to 18:30 Monday to Friday and 08:00 to 13:00 on Saturday. No works to be carried out on a Sunday or Bank Holiday.

Reason: To protect the amenity of noise sensitive properties.

- 3 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the applicant.

Reason: To ensure that any archaeology found on the site can be properly recorded.

- 4 No development shall take place on site, including site clearance, tree works, demolition or any other works, until the details relevant to the safe retention and protection of on-site and any relevant off-site trees are submitted within an Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction. Following the written approval of the AMS, the proposed development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority (LPA) in writing. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation. The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.

Reason: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL1, PL7, PL8 and WE1 of the Local Development Plan of the Local Development Plan.

- 5 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to: Limiting discharge rates to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the 2 relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated. Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Detailed engineering drawings of each component of the drainage scheme. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy. As this development is within a critical drainage area all properties should be fitted with water butts. Water re-use should be considered. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 6 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction 3 there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 7 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 8 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 9 Prior to the commencement of any above ground works, comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity and to accord with Policy PL1 of the Harlow Local Development Plan, December 2020.

- 10 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with Paragraph 184 of the National Planning Policy Framework.

- 11 No development shall take place, including any ground works or demolition, until a Construction Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway where possible:

- a) Safe access into the site.
- b) The parking of vehicles of site operatives and visitors.
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials used in constructing the development,
- e) Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose material and spoil are not brought out into the highway in the interest of highway safety.

- 12 All units within the development hereby approved shall remain in use as 'Affordable Housing' in perpetuity as defined with the National Planning Policy Framework (NPPF) or any policy document or legislation revoking or replacing the NPPF, notwithstanding the occupier's Right to Buy / Right to Acquire or unless otherwise agreed in writing by the Local Planning Authority.

Reason: To meet identified affordable housing needs and in accordance with policy H8 of the Harlow Local Development Plan, December 2020.

- 13 No bonfires shall be held on site during the construction of the development.

Reason: To prevent unnecessary air pollution, and to ensure accordance with Policies PL2 and PL10 of the Harlow Local Development Plan, December 2020.

- 14 Prior to the first occupation of the development hereby approved, or subject to demonstration of all reasonable endeavours to ensure connection, the Electric Vehicle Charging Points as indicated on the approved plans shall be installed and made operational, and shall be maintained as such for the lifespan of the development.

REASON: To ensure that appropriate parking provision for vehicles are provided, in accordance with policies IN2 and IN3 of the Harlow Local Development Plan, December 2020.

- 15 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information

Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 16 Prior to first occupation details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be maintained in its approved form in perpetuity.

Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy PL2 of the Local Plan

- 17 If, within a period of five years from the date of planting any tree, that a tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: In the interest of the appearance and longevity of the proposed tree planting and to ensure tree cover on site is maintained if failures occur, in accordance with policy PL7 of the Harlow Local Development Plan 2020

- 18 The development to which this permission relates shall be carried out in accordance with the plans as listed in the table below unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Reference	Plan Type	Date Received
8720-D-AIA Rev 03	AIA and TPP	20 Sept 2023
8720-D-CP	Constraints Plan	5 Jan 2023
A-PL-X-(02)-001 REV 01	EXISTING SITE PLAN WITH TOPOGRAPHIC SURVEY	5 Jan 2023
A-PL-X-(03)-2B3P-01 REV 01	HOUSE TYPE 2B3P-01 M4(3)	5 Jan 2023
	HOUSE TYPE 2B4P-01	5 Jan 2023
A-PL-X-(03)-2B4P-01 REV 01		
A-PL-X-(03)-3B5P-01 REV 01	HOUSE TYPE 3B5P-01	5 Jan 2023
A-PL-X-(03)-4B7P-01 REV 01	HOUSE TYPE 4B7P-01	5 Jan 2023
		5 Jan 2023
A-PL-X-(03)-4B7P-02 REV 01	HOUSE TYPE 4B7P-02	
A-PL-X-(05)-2B3P-01 REV 01	HOUSE TYPE 2B3P-01 M4(3)	5 Jan 2023

	ELEVATIONS	
A-PL-X-(05)-2B4P-01 REV 01	A-PL-X-(05)-2B4P-01 REV 01	5 Jan 2023
A-PL-X-(05)-3B5P-01 REV 01	HOUSE TYPE 3B5P-01 ELEVATIONS	5 Jan 2023
A-PL-X-(05)-4B7P-01 REV 01	HOUSE TYPE 4B7P-01 ELEVATIONS	5 Jan 2023
A-PL-X-(05)-4B7P-02 REV 01	HOUSE TYPE 4B7P-02 ELEVATIONS	5 Jan 2023
ANDE 570-3-001 REV P10	CONCEPT HARD & SOFT LANDSCAPING PROPOSALS	20 Sept 2023
ANDE 570-3-004 REV P10	CONCEPT LANDSCAPE PROPOSALS & DRAINAGE OVERLAY - REVISED	20 Sept 2023
ANDE-270-3-002 REV P10	DETAILED SOFT LANDSCAPE PROPOSALS	20 Sept 2023
ANDE-570-3-003 REV P10	DETAILED HARD LANDSCAPE PROPOSALS	20 Sept 2023
ANDE-570-3-005 REV P09	AREAS OF LANDSCAPE MANAGEMENT RESPONSIBILITY	20 Sept 2023
A-PL-X-(03)-5B8P-01 REV 3	HOUSE TYPE 5B8P-01	20 Sept 2023 20 Sept 2023
A-PL-X-(03)-100 REV 07	SITE-WIDE GROUND FLOOR PLAN	
A-PL-X-(03)-102 REV 07	SITE-WIDE ROOF PLAN	20 Sept 2023
A-PL-X-(05)-5B8P-01 REV 03	HOUSE TYPE 5B8P-01 ELEVATIONS	20 Sept 2023
ST-2924-500-A	PROPOSED DRAINAGE STRATEGY	20 Sept 2023
	IMPERMEABLE AREAS PLAN	20 Sept 2023
ST-2924-510-A		
ST-2924-810-C	HIGHWAY IMPROVEMENTS	20 Sept 2023

PLAN

ST-2924-830

WIDER STRATEGIC
PEDESTRIAN-CYCLE LINKS

20 Sept 2023

INFORMATIVE CLAUSES

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The development would not be considered for adoption by the Highway Authority as firstly, the site is not connected to the adopted highway, and secondly, owing to the geometric layout of the proposed access road.

- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highways Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

- 3 We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016. Cont/d..

In order to protect groundwater quality from further deterioration: No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g., soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution). Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution. The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance

defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.

4. Refer to the contaminated land pages on Gov.uk for more information.

5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g., British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates: BS5930:2015 Code of practice for site investigations; BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites; BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points; BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details); BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples; BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples; Use MCERTS accredited methods for testing contaminated soils at the site; Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

- 4 We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protectingenvironment> Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change 4 allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk) In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.
- 5 The Highway Authority cannot accept any liability costs associated with a developer's improvements. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.